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02 AUG 2006

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In re Application of	:	
BAKER, et al.	:	
Application No.: 10/526,942	:	
PCT No.: PCT/US04/40409	:	DECISION ON PETITION
Int. Filing Date: 02 December 2004	:	UNDER 37 CFR 1.47(a)
Priority Date: 12 December 2003	:	
Attorney Docket No.: 718452.9	:	
For: URINARY TRANSFER SYSTEM AND	:	
ASSOCIATED METHOD OF USE	:	

This decision is issued in response to applicants' "Renewed Petition under 37 C.F.R. 1.47(a)" filed 12 July 2006.

**BACKGROUND**

On 02 December 2004, applicants filed international application PCT/US04/40409, which claimed a priority date of 12 December 2003. The international application listed Warren Spielman as an applicant/inventor and Larry R. Baker as a deceased inventor. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 July 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States is to expire 30 months from the priority date, 12 June 2006.

On 08 March 2005, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 16 September 2005, applicants filed a "Petition under 37 C.F.R. Section 1.47(b) by Entity Having Proprietary Interest to File Application on Behalf of Inventor Who Refuses to Sign Declaration."

On 25 October 2005, applicants filed "Letter for Express Request to Begin National Phase Proceedings."

In a "Decision on Petition" dated 13 December 2005, applicants' petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 12 January 2006, applicants filed "Renewed Petition under 37 CFR Section

1.47(b)" which was treated as a Petition under 37 CFR 1.47(a). In a "Decision on Petition" dated 09 March 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 10 May 2006, applicants' filed a "Renewed Petition under 37 C.F.R. 1.47(a)." In a "Decision on Petition" dated 27 June 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 12 July 2006, applicants' filed a "Renewed Petition under 37 C.F.R. 1.47(a)."

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. The 37 CFR 1.47(a) applicant has satisfied the requirements of items (1)-(3).

As to item (4), the declaration submitted 12 January 2006 taken in combination with the declaration submitted on 10 May 2006 fulfills the requirements of 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 10 May 2006.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Warren Spielman under 37 CFR 1.47(a) at this time.

### CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The papers filed under 37 CFR 1.42 are **ACCEPTED**. The application will be given an international filing date of 02 December 2004 under 35 U.S.C. 363, and a date of **10 May 2006** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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In re Application of  
BAKER, et al.  
Application No.: 10/526,942  
PCT No.: PCT/US04/40409  
Int. Filing Date: 02 December 2004  
Priority Date: 12 December 2003  
Attorney Docket No.: 718452.9  
For: URINARY TRANSFER SYSTEM AND ASSOCIATED METHOD OF USE

Dear Warren Spielman :

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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